G R S IX 5]

Previous references

File No 280-14

1916.
(Municipal)

Serial Nos 1-2

Later references
Legn 44-17, 1-16

GENERAL AND REVENUE SECRETARIAT.

Serial Nos 1-2

Part B for January 1916

SUBJECT

Communication from the Dy Commr Ambala regg enquiring whether the Dy Commr is authorized to hear appeals against the orders passed by the Presidents of Municipalities or the Municipal Councils

---

To the Deputy Commr Ambala
No 4979 dt 7/1/16

Informs him that no appeals lie against the orders of the Municipal Councils, except under Section 86 of the Municipal Regulation

W D 85—G P E—50,000—24-7-15

M.K.D. areen
21-3-17

G R S. 11] 1914–15

GENERAL AND REVENUE SECRETARIAT

Rel)

NOTES

File No 44

FILE HEADING

Appeals from the orders of the Municipal Councils and their Presedents

From

The Deputy Commissioner, Chittagong / Dt

No 530 Dated 8 5.15 Received 14 5 15

Diary No 7086	Enclos	Spare Copies	Serial No /

BRIEF ABSTRACT OF LETTER

Enquires if the Deputy Commissioner is authorized to hear appeals against the orders passed by the Presedents of municipalities or the municipal Councils and requests to be informed whether or not appeals generally lie against the orders of a municipal Councils or their Presd + and if so to whom

NOTES AND ORDERS

The Municipal Regulation does not contemplate of any appeals except those to be preferred to magistrate under sec 86. Any person aggrieved by the order of the Presdent may appeal to the municipal Council and if not satisfied with the decisions of the municipal Council he will have to seek redress in

NOTES—First Sheet

GPB—85 000—15 6

R S 12]

General and Revenue Secretariat | Nil File No. 280 of 1914-15

Serial No

Flag O

in a Court of Competent Jurisdiction whose decision shall be final The extent to which ~~the Deputy Comm~~ Can ~~interfere with the~~ exercise Control over the municipal Councils is clearly laid down in Sec 173 et Seq of the Regln and reiterated in the Govt order no 1205-14/Mil 65-10-2 dated 3 Aug 1910
In the case under adverteince the party aggrieved may seek redress in a Civil Court and the decree of the Court will be a guide for the municipal Council to decide who is the registered owner of the properties
As regards the General Question raised by the Dy Comm maybe be informed that except under sec 86 of the municipal Regln no appeals lies against the orders of the municipal Councils & their presidents, but there would be no objection to seek redress in Civil Courts Submitted for orders

KP
21/5/15

2) I agree that the interpretation on S 180 may not be acceptable The Regulation does not lay down that the President or the Municipal Council is "the Subordinate" of the Deputy Commissioner Further right of appeal is a creation of the Statute when no right of appeal is conferred by statute, none can be implied from a provision

Note—Contn sheet.

PB—2500—'15-3 15

(2) R S 12]

7086

General and Revenue Secretariat | Rel File No. 280 of 1914-15

Serial No

Contd on Subordinate

Please put up Draft letter re appeal lies against the order of the Municipal Council under under s 86.

WP 14/8

Draft submitted for approval

KP 16/8

The draft may kindly be approved

Secretary

3) If there anything about the interpretation of Sec 180 in Cummings Municipal manual?

WP 21/8/15

4) The Cummings Manual is submitted herewith. There is nothing written on this Section, but the question about appeals has been explained in detail on the other Section

21/8

Secretary)

5) If Sec 180 does not

NOTE—Contn sheet

G.I.P.—25 000—22-8-15

(2)

7, 6

G R S 12]

General and Revenue Secretariat | Pol File No 980 of 1914-15

Serial No

In all the Dy Com's
hear appeals against the
orders of the Subdivisional
Officers, then for
it is not made clear
exercise Control over
the Dy Com's Powers?
If not, has not Govt
been exercising powers
of control over Dy Com's Powers
& municipal Councils
by framing bye laws,
regulating the scale of
establishment & what section is the control exercised?
6) However I have no
reason to have them
more than is necessary

2nd Member

Govt
22/8/15

NOTE—Contn sheet

GPB—25,000—30-4-15

(5

G R S 12]

General and Revenue Secretariat

Jud File No 280 of 1914-15

Serial No

I had read the foregoing judgment of Mr. Justice Beasley in 1910 and the P.O. Rules of 1910 are the rules I have doubt on the point as to the construction of Sec 180 Para 3. Excepting certain the result of this appeal would be the same whether the rules are held to be ultra vires, even but not before the Municipal Council a Resolution the decision whether appeal lies, issue I have to place before Govt that portion Sec. 180 will serve. Perhaps the Advocate will kindly submit his views on the law & procedure upon the point of doubt ..."

26/12/15

de para 28 of the Rules in Jud 66 of 1915 - 3-6 B Feb 1916 -

To Advocate

27/12/15

To The Dy Commr Chittagong

No 4979 G 7 1-16

Informs him that no appeal lies against the orders of the Municipal Council except under section 86 of the Municipal Regulation -

NOTE—Contin. sheet

GPB—25,000—20-4-15.

PW/1915 GPB— 714 (6

1915

From The Deputy Commr
Chitaldrug Dt

To The Secretary to the
Govt of H.H. the Maha
of Mysore Pol & Rev
Department

Dated

Despatched 11th May 1915

Received

General No 530
No

Enclosure No —

Soliciting instructions
as to whether appeals
lie against the orders of the
Municipal Council &
&c

D
D 7080
Mul 28-0-14

Office of the Deputy Commissioner,
Chitaldrug District.
Dated Chitaldrug, 8th May 1915

From

V. R. Thyagaraja Iyer Esquire M.A.,
Deputy Commissioner,
C h i t a l d r u g.

To

D. M. Narasinga Row Esquire B.A.,B.L.,
Offg: Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
B a n g a l o r e.

S I R,

I have the honor to state that the khatedar of certain houses situated in Davangere town having died, the question of transfer of patta of properties was brought on the phavati list by the Vice President and the papers were submitted to the President and Sub-Division Officer of Davangere. He ordered that the papers should be brought up at the time of the Taluk Jamabandy, when he passed orders in the case. An appeal has been preferred to the Deputy Commissioner against the said order.

2. The matter appears to be one of mutation to fall under Article 48 of the Municipal Account Manual.

3. Looking to the wording in section 180 of the Municipal Regulation, which makes a mention of the powers of Government and of Deputy Commissioner over their subordinates in all matters connected with the Municipal Regulation, I am inclined to think that the Deputy Commissioner can hear appeals of the kind under advertence But the Government order No.1205-14/Ml.65-10-2 dated 3rd August 1910 clearly lays down that the Deputy Commissioner of a District cannot interfere with the orders of a Municipal Council or of its President, except in the circumstances and to the extent contemplated in section 173 et seq of the Municipal Regulation. I therefore solicit instructions in the matter

4. Further I request to be informed as to whether or not appeals generally lie against the orders of the Municipal Councils in Regulation Municipalities or of their Presidents and if so to whom.

I have the honor to be,

S I R,

Your most obedient servant,

Deputy Commissioner,

S.V. Chitaldrug District.

10)

he against the orders of Municipal Councils, I am directed to inform you that no appeal lies against the orders of the Municipal Councils except under Section 86 of the Mysore Municipal Regulation VII of 1906

I have etc

Sd/-

for Revenue Secretary

Br

27/8/15

26/12/15

List of enclosures

Copied by

Examined by

GPB—20 000—14 2 14